

# **EXHIBIT “12”**



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June 15, 1982  
508A-747A-27

Massachusetts Bay Transportation Authority  
58 Day Street  
Somerville, MA 02144

Attention: Mr. John Powers

RE: Perini Corporation - Job 747A  
Tunnel, Harvey St. to Alewife Sta.  
Cambridge, MA 02140  
MBTA Contract 091-508A

Subject: Delays to Contract Number 091-508A

Gentlemen:

The Perini Corporation requests an extension of time to complete the MBTA Contract No. 091-508A; Tunnel, Harvey Street to Alewife Station, per Section 8.11.A-3, Determination and Extension of Contract Time for Completion, of the Division I, General Requirements and Covenants.

The removal of Solidified Sludge from the project site has been more extensive than planned. The amount of sludge noted in the bid documents was 14,400 cy. The final excavated quantity is 17,620 cy.

Item Number 50 of the approved CPM Schedule is Excavate and Remove Solidified Sludge Stockpile. The item was scheduled to start on November 2, 1981 and finish on November 24, 1981 with no float allowed.

The item was started on November 2, 1981 and the sludge was removed from the jobsite until December 1, 1981. A total of seventeen (17) days were worked during this time period with five (5) days lost to inclement weather.

A total of fourteen thousand, eight hundred and eighty (14,880) cubic yards was excavated during this time period. On December 2, 1981 the dumping site in Kingston, MA was closed for the winter. An alternate dumping site acceptable to all concerned parties was not available at this time. The dumping site was not opened until March 31, 1982 and the removal was completed on April 3, 1982.

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The increase in quantity of the Solidified Sludge has caused a delay which is beyond the control of Perini Corporation. We were not able to complete the item in the allotted time of the schedule because of the increased quantity. This in turn lead to a shutdown of operations in the area of the Solidified Sludge piles. We were unable to continue the installation of the instrumentation, dewatering system, earth excavation, bracing of the tunnel and pouring of the concrete for the finished structure. We are submitting Update #1 of the CPM Schedule which will show the new item of the increased quantity and its inter-relationship with the items mentioned.

The delay to our operations constituted one hundred and nineteen (119) calendar days, or the time from December 1, 1981 to March 31, 1982.

We trust that this meets with your approval and that you will issue a Change Order to adjust the completion date and all construction milestone dates to reflect the one hundred and nineteen (119) calendar day delay caused by the increased quantity as soon as possible.

We reserve the right to seek Compensatory Damages for the delay encountered.

Very truly yours,

PERINI CORPORATION

*J.W. Bertonazzi*  
J.W. Bertonazzi  
Project Manager

JWB/dea

cc: R. Murphy  
F. Healy  
G. Murphy  
H. Haywood  
I.R. Huie  
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C.J. McDermott  
J.E. Mullin  
File

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